

1 BILL NO. S-91-01- 50

2 SPECIAL ORDINANCE NO. S- 28-91

3 AN ORDINANCE providing for
4 salary and benefit
5 continuation for City
6 employees taken into military
7 service during armed
8 hostilities in which the
9 United States is engaged.

10 WHEREAS, the United States is currently engaged in
11 armed hostilities in the Persian Gulf area;

12 WHEREAS, the President of the United States has
13 declared the Persian Gulf area and surrounding waters a
14 combat zone;

15 WHEREAS, I.C. 36-8-5-3 provides that an active
16 member of a regular organized police or fire department who
17 is taken into military service during armed hostilities in
18 which the United States is engaged is considered to be a
19 continuing member of the department on a temporary leave of
20 absence;

21 WHEREAS, I.C. 36-8-5-10 provides that a member of
22 the police or fire department who is on leave under Section
23 I.C. 36-8-5-3 is entitled to be credited with time spent in
24 full-time employment for all purposes, including retirement
25 and pension benefits;

26 WHEREAS, questions have arisen as to whether or
27 not said statute authorizes salary and health insurance
28 benefit continuation plans;

29 WHEREAS, to avoid any confusion and to provide
30 uniform benefits to all employees of the City of Fort Wayne
31 similarly situated, whether or not a member of the police or
32 fire department;

33 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
34 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

35 SECTION 1. Employees of the City of Fort Wayne
36 taken into military service during armed hostilities in
37 which the United States is engaged shall be considered to be
38 on a temporary leave of absence.

SECTION 2. During said temporary leave of absence, such employees shall be entitled to a salary continuation benefit equal to the difference between their regular City of Fort Wayne pay and their military pay and allowances.

SECTION 3. During said temporary leave of absence, such employees shall be entitled to maintain dependent health insurance coverage, at the current cost to the employee, provided said employee was enrolled in a dependent health insurance coverage category prior to being taken into military service.

SECTION 4. Said temporary leave of absence shall expire when such employee reports back to the City of Fort Wayne to return to work, fourteen (14) days after the employee's honorable discharge from military service or government war work, or fourteen (14) days after armed hostilities cease and the President rescinds the combat zone designation, whichever first occurs.

SECTION 5. No such employee shall be required to exhaust vacation or other leave before qualifying for the salary continuation plan.

SECTION 6. Said plan shall be retroactive to the date armed hostilities began.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor. 11

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Dick Jester, seconded by Gudd, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 1-22-91, the 18th, 1991, at 10:00 o'clock A.M., E.S.T.

DATED: 1-22-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Dick Jester, seconded by Edmonds, and duly adopted, placed on its passage. PASSED TEST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 2-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 1-28-91
on the 12th day of February, 1991,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

Seal Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1991,
at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of February,
1991, at the hour of 3:00 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE MAYOR

SYNOPSIS OF ORDINANCE _____

1. PROVIDES FOR SALARY AND BENEFIT CONTINUATION FOR CITY

EMPLOYEES CALLED INTO MILITARY SERVICE DURING PERSIAN GULF

ARMED HOSTILITIES.

J-91-01-50

EFFECT OF PASSAGE REDUCES FINANCIAL BURDEN ON SUCH EMPLOYEES

AND THEIR FAMILIES

EFFECT OF NON-PASSAGE FINANCIAL HARDSHIP ON SUCH EMPLOYEES

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) DEPENDANT ON DURATION

OF ARMED HOSTILITIES AND NUMBER OF EMPLOYEES CALLED TO SERVICE.

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-91-01-50

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GIAQUINTA, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON Finance TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) providing for salary and benefit continuation for City employees taken into military service during armed hostilities in which the United States is engaged

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta

John Bradbury

Paul M. Burns

Donald Schmidt

Mark Redd

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